UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

FRANK BILAVER,

: CASE NO. 1:12-CV-00397

Plaintiff,

vs. : OPINION & ORDER

: [Resolving Docs. No. <u>1</u>, <u>13</u>]

COMMISSIONER OF SOCIAL SECURITY,

:

Defendant.

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On February 17, 2012, Plaintiff Frank Bilaverfiled a complaint seeking judicial review of the Defendant Commissioner of Social Security's decision to deny her disability benefits. **Local Consistent With Local Rule 72.2*, the matter was referred to Magistrate Judge James R. Knepp II. On January 18, 2013, Magistrate Judge Knepp issued a Report and Recommendation recommending that the Administrative Law Judge properly assessed Mr. Bilaver's residual functional capacity and that the decision of the Commissioner is supported by substantial evidence in the record. **Local Control of Commissioner** Accordingly, Magistrate Judge Knepp recommended that the Commissioner's decision be affirmed.**

The Federal Magistrates Act requires a district court to conduct a de novo review only of

 $[\]frac{1}{2}$ [Doc. 1.]

 $[\]frac{2}{2}$ [Doc. $\underline{13}$.]

 $[\]frac{3}{2}$ [Doc. <u>13</u>.]

Case: 1:12-cv-00397-JG Doc #: 14 Filed: 02/05/13 2 of 2. PageID #: 1952

Case No. 1:12-CV-00397

Gwin, J.

those portions of a Report and Recommendation to which the parties have made an objection. $\frac{4}{2}$ The

Act gives parties fourteen days to file objections. ⁵/₂ Failure to object within this time waives a party's

right to appeal the district court's judgment. 61 Absent objection, a district court may adopt the

magistrate judge's report without review.^{7/}

In this case, neither party has objected to the Magistrate Judge's recommendation. Moreover,

having conducted its own review of the Report and Recommendation, record, and parties' briefs, the

Court agrees with the recommendation of Magistrate Judge Knepp that the Court affirm the

Commissioner's decision.

Accordingly, the Court ADOPTS in whole Magistrate Judge Knepp's Report and

Recommendation and incorporates it fully herein by reference, AFFIRMS the Commissioner's

denial of benefits.

IT IS SO ORDERED

Dated: February 5, 2013

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

6/ Fed. R. Civ. P. 72(a); see also Thomas v. Arn, 474 U.S. 140, 145 (1985); United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

 $\frac{7!}{\text{See Thomas}}$, 474 U.S. at 149.

-2-

 $[\]frac{4}{2}$ 8 U.S.C. § 636(b)(1)(C).